

Appl. No. 10/828,533

Amdt. dated January 23, 2007

Reply to Office action of November 08, 2006

Amendments to the Drawings:

There are no amendments to the Drawings.

Attachments: None

Appl. No. 10/828,533  
Amdt. dated January 23, 2007  
Reply to Office action of November 08, 2006

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of claims 1-31 is respectfully requested.

The specification is being amended to include brackets instead of line-outs for deletions in the specification of the reissue application. The deletions being made using brackets in this amendment of the specification are identical to the deletions which were made using line-outs in the amendment to the specification of April 03, 2006. There are no additional changes being made to the specification of the reissue application by this amendment.

Specifically, the paragraph at column 2, lines 51-58 of the specification is being amended using brackets to delete the reference numeral [[15]] from this paragraph of the specification. This deletion was made using line-outs in the amendment to the specification of April 03, 2006.

The paragraph at column 5, lines 46-67 is being amended using brackets to delete the reference numeral [[15]] from this paragraph. This deletion was also made using line-outs in the amendment to the specification of April 03, 2006. It is respectfully submitted that these deletions to the specification are in compliance with 37 CFR 1.173(d)(1) which requires "matter

Appl. No. 10/828,533  
Amdt. dated January 23, 2007  
Reply to Office action of November 08, 2006

to be omitted by reissue must be enclosed in brackets".

Claims 1-31 are pending in the above-identified reissue application. There are no amendments to claims 1-31, therefore the entire text of each of these claims is not being represented in this amendment. Further, no new claims are being presented in this amendment.

The Examiner rejection of claims 1-31 based upon a defective reissue declaration under 35 U.S.C. 251 is respectfully traversed.

The Examiner stated in the office action that "Receipt of an appropriate oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251". The Examiner further stated that "An example of acceptable language to be used in the supplemental oath/declaration is as follows:

Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

A "Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement", (PTO/SB/51S(10-05)) is being submitted with this amendment. This Supplemental Declaration includes the acceptable language set forth above. The Supplemental Declaration was signed by the inventors of U.S.

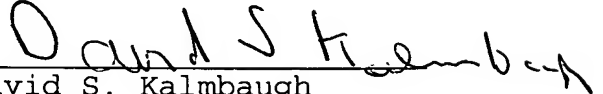
Appl. No. 10/828,533  
Amdt. dated January 23, 2007  
Reply to Office action of November 08, 2006

Patent No. 6,681,709 and the above-identified reissue application: Laurence G. Nixon, Robert F. Taylor, William Seelig, and Stephen Slaughter. It respectfully submitted that this Supplemental Declaration overcomes the rejection of claims 1-31 under 35 U.S.C. 251 and that the Reissue Application is now in condition for allowance.

In summary, the deletions in the specification are being made using bracket instead of line-outs. Further, a supplemental declaration is being submitted for the reissue application under 37 C.F.R. 1.175(b)(1) with this amendment to overcome the rejection of claims 1-31 under 35 U.S.C. 251.

In view of the foregoing remarks, considered in conjunction with claims 1-31 as now presented, it is respectfully submitted that the application is in condition for allowance. Accordingly, the prompt issuance of this application is earnestly solicited.

Respectfully submitted,

  
David S. Kalmbaugh  
Registration No. 29,234  
(805) 989-8266

Attachment: Supplemental Declaration